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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,079	01/16/2004	Han-Chin Kao	BHT-3135-52	5299

7590 08/23/2005

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FALLS CHURCH, VA 22041

EXAMINER
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NATNITHADHA, NAVIN

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/758,079

Applicant(s)

KAO, HAN-CHIN

Examiner

Navin Natnithithadha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-3 have been cancelled. Claims 4-6 have been added. Claims 4-6 are pending.
2. The Abstract has been amended.
3. The Specification has been amended.
4. The Drawing has been amended.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 4-6 have been considered but are moot in view of the new ground(s) of rejection.
6. The objections to the Abstract and Specification has been WITHDRAWN in view of the Amendments.

### ***Specification***

7. The disclosure is objected to because of the following informalities:  
On page 7, lines 6-11, appears to be in a different font type and should be amended to match the rest of the Specification.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma et al, US 4,966,158 A, in view of Arai et al, US 5,755,672 A.

Claim 4-6: Honma teaches an apparatus (see fig. 1 and 3) for "testing moisture in skin" (measuring moisture content in the human skin) (see col. 1, lines 9-10), comprising:

a "micro alternate current generator" (electric current generator) 1 (see col. 5, line 11);

an "alternate current resistance measuring circuit" (see fig. 1, resistive element inside item 5 used to detect voltage across the resistor to produce a signal representative of the water content of the skin);

a "memory storing a predetermined value" and a "CPU single-chip microprocessor receiving a measured result from the electrode and comparing the measured result with the predetermined value stored in memory and obtaining a compared result" (computer storing statistical data and compares the digital output which has been inputted with the statistical data) 14 (see col. 5, lines 39-41);

a "casing" (see fig. 3);

a "display device" (digital display circuit) 12 "displaying the compared result, wherein the display device is a liquid crystal display screen" (see figs. 3 and 7);

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a "fixed base located at a front end of the casing" (see fig. 3); and

a "plurality of electrodes" 3, 3' "engage the skin" (abutting the electrode structures onto the skin) (see col. 4, lines 49-54) and "connected in parallel to a correction resistor" (see figs. 1 and 2, and item 51, 52 in fig. 3).

Although Honma does not explicitly teach a power supply, it is inherent for Honma's apparatus to have a power supply for the apparatus to operate, since the apparatus is a circuit.

Honma does not teach "one of the plurality of conductive electrodes is inserted into each of the plurality of through holes of the fixed base from an interior of the casing and protruding from the casing, each of the plurality of conductive electrodes being movable between compressed and extended positions and having a flange limiting a length of outward movement in the extended position", and "a plurality of elastic members, one of the plurality of elastic members having a first end pressing outwardly against an interior of each of the plurality of conductive electrodes and a second end connected to the micro alternate current generator and the alternate current resistance measuring circuit". However, Arai teaches an apparatus for measuring "moisture content" (water content) (see Abstract and fig. 1), comprising: a "casing" (main body) 2, a "fixed base" (see fig. 1 and left side of fig. 2) having a "through hole" (end of probe 4), "electrode" (sensor) 3 "protruding from the casing" and "movable between compressed and extended positions" and having a "flange" (sleeve) 11 "limiting a length of outward movement in the extended position" (see fig. 1 and col. 5, lines 16-20), and an "elastic member or spring" 15. Spring 15 is connected to switch 12, which is further connected

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to the measuring circuit (see fig. 2). Therefore, spring 15 is conductive because it electrically connects the sensor 3 to the measuring circuit. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Honma's apparatus (shown in fig. 3) with the Arai in order to have proper contact between the electrodes and the skin, thus providing more accurate measurements of moisture content retained in the skin.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navin Natnithithadha whose telephone number is (571) 272-4732. The examiner can normally be reached on Monday-Friday, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Navin Natnithithadha  
Patent Examiner  
GAU 3736  
15 August 2005

  
**ROBERT L. MACFAR**  
**PATENT EXAMINER**